

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Examiner: J. T. Barton
J. Michael Ramsey) Art Unit: 1753
Serial No. 09/909,638)
Filed: July 20, 2001)
For: "Apparatus and Method for)
Performing Microfluidic)
Manipulations for Chemical)
Analysis)

DECLARATION UNDER 37 C.F.R. §132 OF J. MICHAEL RAMSEY

Commissioner of Patents and Trademarks
Washington, D.C. 20231
Sir:

I, J. Michael Ramsey, declare:

1. I am the J. Michael Ramsey named as inventor of United States Patent Application No. 09/909,638 (hereinafter "the '638 application").
2. I have read and understand the Office Action dated October 29, 2004 in the '638 application;
3. In the Office Action dated October 29, 2004 in the '638 application, I understand the Examiner to have rejected claims 1-5 under 35 U.S. §102(a), based on the contention that the publication of Jacobson et al., Anal. Chem., 66: 1107-13 (1994) (hereinafter "the Jacobson et al. reference") anticipates those claims.
4. I hereby state that I am the sole inventor of the subject matter claimed in the '638 application. In the declaration submitted with the '638 application, I averred that I am the "original, first and sole inventor" of the invention which is the subject of that application. I believe this statement to be true.

5. I am the fifth of five co-authors listed on the Jacobson et al reference. Insofar as the Jacobson et al reference reports on any aspect of the invention claimed in the '638 application, such aspect was solely conceived by me and carried out under my direction and control. Accordingly, the work reported in the Jacobson et al reference is a disclosure of my own work, and is not that of another. The other co-authors are mentioned in the Jacobson et al reference for their assistance in following my instructions and preparing the publication. Furthermore, except for myself, none of the co-authors who are listed on the Jacobson et al reference contributed to the invention relating to a method of controlling fluid flow in an interconnected channel structure having at least three ports, which is the subject of the '638 application.

6. I declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

DATE: 01/31/05
J. MICHAEL RAMSEY